

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 25, 1978  
9:00 A.M.

Council Chambers  
301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino

Absent: None

Emam Muhammad Sharif, the Emam at Masjid Muhammad, the Moslem Mosque,  
presented the Invocation.

C. A. NASCIMENTO

Mayor McClellan and Councilmember Jimmy Snell presented an Honorary Citizenship certificate to MR. C. A. NASCIMENTO, Minister Plenipotentiary of the Republic of Guyana, South America. DR. ALBERT BERRY, Executive Vice-President of Huston-Tillotson College, told the Council that Mr. Nascimento is part of an exchange program that is currently visiting Austin. He stated that the program is trying to gain exposure to Mexican-American and Black-American relationships in the area. Mr. Nascimento told the Council that his country has been independent for nearly 12 years and that its population is slightly less than Austin. He indicated that he had been to Austin once before 12 years ago at the invitation of the late President Johnson. Mr. Nascimento thanked the Council for bestowing the honor of citizenship upon him. Mayor McClellan told Mr. Nascimento that they were delighted to have him in the City.

CLASS RECOGNITION

Mayor McClellan recognized the 6th grade classes of Ms. Alice Booth and Mr. Louis Lancaster of Travis Heights School.

## TEXAS POLICE OLYMPICS II DAYS

Mayor McClellan read a proclamation proclaiming June 1, 2 and 3, 1978, as Texas Police Olympics II Days in Austin and encouraged all citizens to join in recognizing these fine and outstanding law enforcement officers. Accepting the proclamation were DONALD R. CANNON (Chief of University of Texas Police), STEPHEN G. BAGGS (Department of Public Safety) and Jim Jordan (Department of Public Safety). The Mayor and Council were invited to the event.

## SISTER CITIES PROGRAM

Councilmember Trevino read a resolution signed by the Mayor and Council, extending hands in welcome to the delegates to the Mid-Year Conference of the U.S./Mexico Sister Cities Association, hoping that the conference is successful in every way, offering benefit to all who attend, and endorsing the aims of the Sister Cities program as the participating cities strive for international understanding. Councilmember Trevino asked Mayor McClellan to present the resolution to the delegation.

## WILLIAM RODNEY GRAYSON, JR.

Mayor McClellan read a resolution signed by the entire Council, extending personal condolences to the family of William Rodney Grayson, Jr., including his wife, Laura, and his son, Ian, and joined with his many friends and students in recognition of his sincere efforts on behalf of the educational process, and called upon all citizens of Austin to join in honoring the memory of this outstanding classroom teacher. Mayor McClellan stated that the resolution would be delivered in person.

## APPROVAL OF MINUTES

Councilmember Himmelblau moved that the Council approve the Minutes from the regular weekly Council Meeting of May 18, 1978, and the Special Meeting of May 18, 1978. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

## LAND ACQUISITION

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing the acquisition of certain land for the Stassney Lane Project, CIP No. 73/62-30:

4,314 square feet of land out of the William Cannon League.  
(Charles C. Allison, et al)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

#### LEASE AGREEMENTS

Mayor Pro Tem Mullen moved that the Council adopt a resolution renewing two Lease Agreements in the Rosewood Village Shopping Center for the Health Department. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

#### EASEMENTS

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing release of the following Easement:

An electrical easement given to the City of Austin, as recorded in Book 452, page 460, of the Deed Records of Williamson County, Texas.  
(Requested by Mr. Gary Sutton, representing Pond Springs Church)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing release of the following Easements:

A ten (10.00) foot, twelve (12.00) foot and a fifteen (15.00) foot Drainage Easement located on Lot A, Resubdivision Lot 1, Blackson Avenue Addition, located at I. H. 35 and Blackson Avenue.  
(Requested by F. H. Becker, Jr., President, Gray & Becker, Inc.)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing release of the following Easements:

All of or part of three (3) Public Utility Easements on Lot 5, Enfield F Subdivision, locally known as 1510 Hartford Road. The Easements to be released are (1) the south 115 feet of the east 5 feet, (2) the south 115 feet of the west 5 feet, and (3) the south 1.4 feet of the north 5 feet of the above described lot. (Requested Mr. Paul J. Van Osselaer)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke

Noes: None

#### APPROACH MAIN CONTRACT

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing the following approach main contract:

##### MORRISON-MOORE PROPERTIES

- For construction of an 8" Wastewater Approach Main to serve Dittmarville Subdivision. (Estimated cost participation by City is \$3,180.00 if property is annexed to City within 1 year.)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke

Noes: None

#### CONTRACTS

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

PITNEY BOWES, INC.  
104 East Huntland Drive  
Austin, Texas

- 24 Months Rental of a Folding Machine and a Collator, Planning Department.  
Items 1 and 2 - \$12,197.52  
Rental, \$5,195.24 Purchase Option

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke

Noes: None

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

ROCKFORD FURNITURE & CARPETS, INC.	- Carpeting for Municipal Office,
5524 West Bee Caves	301 West Second Street - \$5,141.10
Austin, Texas	

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the following contract:

PINKLEY AND ASSOCIATES	- Traffic Marking Paint, Urban
520 North Virginia	Transportation
Oklahoma City, Oklahoma	Twelve Month Supply Agreement
	Items 1-2 - \$50,930.00

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

#### PARCEL R-4-1

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the disposition of Parcel R-4-1 to Norman T. Miller, Blackshear Project, Tex A-11-2. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

#### PARCEL R-2-3

Mayor Pro Tem Mullen moved that the Council adopt a resolution approving the disposition of Parcel R-2-3 to Sophia A Winn, Blackshear Project, Tex A-11-2. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

POSTPONEMENT  
APPOINTMENT TO BOARD

Mayor Pro Tem Mullen moved that the Council postpone for 30 days confirmation of Travis County's appointment to the Board of Trustees for Austin-Travis County Mental Health and Mental Retardation in order to clear up a legal question concerning this. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

## METROPOLITAN AUSTIN CRIMINAL JUSTICE PLANNING UNIT

Mayor Pro Tem Mullen moved that the Council adopt a resolution authorizing continued joint participation with Travis County in the Metropolitan Austin Criminal Justice Planning Unit. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

## SETTING A PUBLIC HEARING

Mayor Pro Tem Mullen moved that the Council set a public hearing for June 15, 1978 at 7:30 p.m., on an appeal of the Planning Commission decision to deny a Special Permit application from Walter Vackar for a 6-unit townhome project located at 3102-3106 Scenic Drive and 3202-3206 Pecos Drive. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

## SETTING A PUBLIC HEARING

Mayor Pro Tem Mullen moved that the Council set a public hearing for June 29, 1978, at 10:00 a.m., to consider use of a portion of Gillis Park for areas access to parking for the South Austin Multipurpose Center. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

## SPEED ZONES

The Council had before it the modifying of the following speed zones:

## DELETIONS:

## Sub-section (b) 40 mph

<u>ON</u>	<u>FROM</u>	<u>TO</u>
IH 35 (ESR N)	M. L. King, Jr. Boulevard East, 300 feet north of (Station 807 + 42)	Highway 290 East, 600 feet north of (Station 627 + 33)
IH 35 (WSR N)	M. L. King, Jr., Boulevard East, 200 feet south of (Station 812 + 06)	Highway 183, 1,600 feet north of (Station 551 + 100)

## Sub-section (c) 45 mph

IH 35 (ESR N)	Highway 290 East, 600 feet north of (Station 627 + 33)	Rutherford Lane, 300 feet south of (Station 550 + 55)
Decker Lake Road	U. S. 183 (Ed Bluestein Boulevard)	East City limits (920 feet east of Decker Lane)

## Sub-section (e) 55 mph

Decker Lane (FM 3177)	1,580 feet south of Larical Trail	765 feet south of Loyola Lane
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## ADDITIONS:

## Sub-section (a) 35 mph

Rutland Drive	North Lamar Boulevard	200 feet east of Golden Meadow Drive
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## Sub-section (b) 40 mph

IH 35 (ESR N)	M.L. King, Jr., Boulevard East, 300 feet north of (Station 807 + 42)	Bentwood Road, 600 feet north of (Station 696 + 71)
IH 35 (WSR N)	M.L. King, Jr., Boulevard East, 200 feet south of (Station 812 + 06)	East 46th Street (Station 702 + 60)
IH 35 (WSR N)	Reinli Street, 300 feet north of (Station 642 + 75)	Highway 183, 1,600 feet north of (Station 551 + 00)

<u>ON</u>	<u>FROM</u>	<u>TO</u>
Sub-section (b) 40 mph		
Rutland Drive	200 feet East of Golden Meadow Drive	Burnet Road (FM 1325)
Sub-section (c) 45 mph		
IH 35 (ESR N)	Bentwood Road, 600 feet north of (Station 696 + 71)	Rutherford Lane, 300 feet south of (Station 550 + 55)
IH 35 (WSR N)	East 46th Street (Station 702 + 60)	Reinli Street, 300 feet north of (Station 642 + 75)
Loyola Lane	U.S. 183 (Ed Bluestein Boulevard)	920 feet east of Decker Lane
Sub-section (e) 55 mph		
Decker Lane	1,580 feet south of Larical Trail	765 feet south of Decker Lake Road

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SUBSECTIONS (a), (b), (c) AND (e) OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN DELETIONS AND ADDITIONS TO SAID SUBSECTIONS, THEREBY DECLARING THE MAXIMUM PRIMA FACIE SPEED LIMITS UPON CERTAIN STREETS AND HIGHWAYS WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Section 21-42)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.



Ord. No. 780525-B

D. 3. Taxicab franchise change

Caption goes here

## TAXICAB FRANCHISE

780525-B  
D.3.

Mayor McClellan introduced the following ordinance:

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance authorizing the transfer of taxicab franchise ownership from Yellow-Checker Cab Company to Great Southwestern Transportation Company. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## ZONING AMENDMENTS

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
A 39.28-ACRE TRACT OF LAND, LOCALLY KNOWN AS 12126-12440 U. S. HIGHWAY 183 AND 11835-12011 JOLLYVILLE ROAD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; AND "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (L. L. Cox, C14-78-005)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency, and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None  
Abstain: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: A 36,367-SQUARE-FOOT TRACT OF LAND, SAVE AND EXCEPT A 55-FOOT STRIP OF LAND ALONG THE EASTERN BOUNDARY; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,  
TRACT 2: A 55-FOOT STRIP OF LAND ALONG THE EASTERN BOUNDARY; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT: ALL OF SAID PROPERTY BEING LOCALLY KNOWN AS THE REAR OF 7688-7762 NORTHCROSS DRIVE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (Northcross Associates, Ltd., C14-78-012)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### CHANGE ORDER

Councilmember Cooke moved that the Council adopt a resolution approving Change Order Number 3 in the amount of \$110,000 to J. T. WAGGONER CONSTRUCTION COMPANY for sidewalk construction and beautification along Guadalupe and Lavaca Streets in downtown Austin, C.I.P. No. 7500 1. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

In connection with this project, the City Manager had submitted to the Council a report on the EDA Sidewalk Project.

#### LEASE AGREEMENT FOR UTILITY CUSTOMER SERVICE OFFICE

The Council had before it for consideration the execution of a Lease Agreement for a Utility Customer Service Office space in the Twin Oaks Shopping Center. Mayor Pro Tem Mullen questioned the need for an additional customer service office in the south part of town. Mr. Monty Nitcholas, Director of the Finance Department, told the Council that they anticipated serving a great number of people in that area. He stated that the site would be a full-service branch office of the Customer Services Office. Mayor McClellan felt that the office would be well worth it for the number of people it would serve. City Manager Dan Davidson indicated that the location of a branch office was in

response to a request previously made by the City Council. He felt that the branch office would greatly serve the public's needs.

Mr. Guymon Phillips, Office Manager of Utility Customer Services, told the Council that, based on past experience with a customer services branch located in the University area, the proposed Twin Oaks branch should do well. He stated that the lease was a two-year lease which ran until 1980. Mr. Phillips indicated that for the first year of operation the cost for the branch office would be \$50,000. He stated that the second year's budget called for \$42,000. In response to a question from Councilmember Himmelblau, Mr. Phillips indicated that the City would essentially be renting a shell and would have to make the additional installations.

Mayor McClellan stated that this would be a service to customers that would be well worth the investment. Councilmember Trevino agreed with the Mayor, and indicated that the Congress Avenue bridge would soon be closed and that a branch office in the south would be of great service. In response to a question from Mayor Pro Tem Mullen, Mr. Phillips stated that they have already hired three persons who are currently being trained to work at the branch office. Councilmember Cooke felt that the office should be approved since the initial expenditures have already been approved.

#### Motion

Councilmember Trevino moved that the Council adopt a resolution approving the execution of a lease agreement for Utility Customer Service Office space in the Twin Oaks Shopping Center. Councilmember Snell seconded the motion.

Mayor Pro Tem Mullen stated that he agreed with the concept, but was concerned about hiring three new employees to deal with a problem that seemed to be going down rather than increasing. He hoped that staff would not return next year with a request for increased personnel. Councilmember Trevino pointed out that whatever Council sits would always have the option to close down the branch office if it was deemed unnecessary.

#### Roll Call on Motion

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen

Noes: None

Councilmember Goodman made comment of the City of Garland, Texas, in relation to the usage of infra-red photography which is used to detect energy losses.

#### CONTRACTS

The Council had before it consideration of the following contract:

MCCORMACK CORPORATION  
P. O. Box 38645  
Dallas, Texas

- CAPITAL IMPROVEMENTS PROGRAM -  
Demineralizer Additions for  
Decker #2 - \$167,403.00  
C.I.P. No. 73/10-01

Mr. R. L. Hancock, Director of the Electric Utility Department, told the Council that they had originally planned to use the same demineralizer for both Decker 1 and 2. However, as Decker 2 became operational, it became apparent that an additional demineralizer would be needed to accommodate the Decker 2 facility. In response to a question from Councilmember Cooke, Mr. Hancock stated that he was not readily aware of other generation facilities in Texas utilizing such demineralization processes, but indicated that he would be glad to research the information. He stated that because the Decker 2 plant is oil-fired, it requires a greater quantity of steam to atomize the oil and this necessitates a higher water usage.

Councilmember Cooke moved that the Council adopt a resolution approving a contract with the McCormack Corporation for demineralizer additions to the Decker 2 generator facility. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell  
Noes: None

The Council had before it consideration of the following contract:

ADDRESSOGRAPH-MULTIGRAPH  
COMPANY  
223 West Anderson Lane  
Austin, Texas

- One Offset Duplicator with Two  
Color Attachment,  
Public Information Department  
Items 1 and 2 - \$13,714.15

Mayor Pro Tem Mullen questioned why the recommended bid was several times higher than the lowest bidder. Mr. Solon Bennett, Director of the Purchasing and Stores Department, told the Council that the price was actually incorrect, as advised by the bidder. Mayor Pro Tem Mullen asked Mr. Bennett if the bidder could be held legally responsible for the erroneous bid. Mr. Bennett stated that they probably could be held responsible but that they ordinarily try to give consideration to the bidder with the hopes that they will do the same for the City in a reverse situation. Mayor Pro Tem Mullen felt that the change in bids was not justifiable. City Attorney Jerry Harris pointed out that it was the City's practice that if a particular bid did not meet up to specifications, then bidding would be reopened in order to give other parties a chance to bid on a particular item. Mayor Pro Tem Mullen indicated that he was concerned that the specifications on bids are so closed that only one company can bid on a particular item, and that that company can set its bids at wherever it wanted.

#### Motion

Councilmember Trevino moved that the Council adopt a resolution approving a contract with the Addressograph-Multigraph Company for one offset duplicator with two color attachments for the City Public Information Department at \$13,714.15. The motion was seconded by Councilmember Goodman.

Councilmember Goodman asked about another company which offered the same item, and did not make a bid. Mr. Bennett indicated that he did not think that the other company offered the same item being purchased. Councilmember Goodman

asked if the specifications were so restrictive that the City could only get one bid response. Mr. Bennett stated that the specifications were written on the basis of what machine will do the job best for the purpose at hand. He stated that a decision then has to be made between a higher quality machine which is leading the field at the time and a lower quality machine which would be more open to competition. City Manager Dan Davidson indicated that if there is only one bid on a particular purchase item, they will call a pre-bidding conference to determine what the problem is. He stated that they will change specifications in order to avoid closed bidding situations for the City. Mayor Pro Tem Mullen asked if there have been any complaints from bidders about restrictive specifications on bids. Mr. Davidson indicated there has been one such situation and that they were pulling down the bid award and readvertising for new bids. He stated that if there is ever any doubt about a bid, they will cancel the award and start over again.

Roll Call on Motion

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mayor Pro Tem Mullen, Councilmembers Snell, Trevino  
Noes: None

ZONING HEARINGS

Mayor McClellan announced that the Council would hear zoning cases scheduled for 10:00 a.m. Pursuant to published notice thereof, the following zoning cases were publicly heard:

WOODROW R. LEE                      13759-13771 U.S. 183  
C14-78-063

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem  
Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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PARKER HEIGHTS,                      2311-2413 Burleson Road  
INCORPORATED  
By C. L. Reeves  
C14-78-067

From "GR" General Retail  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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WALTER AND CHARLES      1621 West Ben White  
WENDLANDT              Boulevard  
C14-78-070

From "LR" Local Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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DISCOVERY              5501 Balcones  
PROPERTIES, LTD.  
C14-78-072

From "LR" Local Retail  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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May 25, 1978

LYNDON CRIDER  
C14-78-074

12705 Research Boulevard

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem  
Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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FORREST N.  
TROUTMAN TRUSTEE  
By Tom Curtis  
C14-78-077

13700-13712 U.S. 183  
and 10000-10002 Hidden  
Meadows Drive

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem  
Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROGER A. AND  
LYDIA R. SCHIEFFER  
By Michael Hebert  
C14-78-084

1301-1309 Lavaca  
206-208 West 13th  
Street

From "C" Commercial  
3rd Height and Area  
To "C-2" Commercial  
3rd Height and Area  
RECOMMENDED by the Planning  
Commission

Councilmember Trevino moved that the Council grant "C-2" Commercial, 3rd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:



Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem  
Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial, 3rd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONING HEARING WITH ORDINANCE PASSED ON EMERGENCY BASIS

AMERICAN NATIONAL BANK By W. B. Houston C14-78-085	2020-2318 Donley Drive 2011-2213 Kramer Lane 10812-10816 Metric Boulevard	From Interim "A" Residence 1st Height and Area To "DL" Light Industrial 1st Height and Area District RECOMMENDED by the Planning Commission
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Councilmember Trevino moved that the Council grant "DL" Light Industrial, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem  
Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the change had been granted to "DL" Light Industrial, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover, on an emergency basis.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:  
LOTS 1-6, KRAMER LANE INDUSTRIAL PARK III, LOCALLY KNOWN AS 2020-2318 DONLEY DRIVE, 2011-2213 KRAMER LANE, AND 10812-10816 METRIC BOULEVARD (RUNNING BIRD LANE), FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY. (American National Bank, C14-78-085)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately as an emergency measure. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem  
Mullen, Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

The Mayor announced that the ordinance had been finally passed.

## ZONING HEARINGS CONTINUED

MURL L. AND GLORIA  
REYNOLDS  
By William Brooks  
C14-78-069

4018-4020 Valley View  
Road

From "O" Office and  
Interim "A" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to a  
short form subdivision.

Councilmember Trevino moved that the Council grant "A" Residence, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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TRIGG FORISTER  
C14-78-078

3400-3510 Ed Bluestein  
Boulevard  
6300-6306 Hudson Street  
3401-3507 Darby Street

From Interim "A" Residence  
1st Height and Area  
To "C" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to five  
(5) feet of right-of-way on  
Darby and Hudson Streets

Councilmember Trevino moved that the Council grant "C" Commercial, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "C" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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RICHARD AND  
JANET MATHYS  
By Robert Crider  
C14-78-081

5602 South Congress

From Interim "A" Residence  
1st Height and Area  
To "C-1" Commercial  
1st Height and Area  
RECOMMENDED by the Planning  
Commission, subject to approval  
of pending subdivision

Councilmember Trevino moved that the Council grant "C-1" Commercial, 1st Height and Area District, as recommended by the Planning Commission, subject to conditions. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the change had been granted to "C-1" Commercial, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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VICTOR V. VELICKA  
By Jan Velicka  
C14-78-082

1105 South Meadows  
Drive

From Interim "AA" Residence  
1st Height and Area  
To "A" Residence  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "AA" Residence,  
1st Height and Area

Mr. Tom Knickerbocker, Planning Department, reviewed the application by use of slides. The applicant was requesting the zoning change to operate a day care center, subject to a special permit.

MS. JAN VELICKA, applicant, stated that there were other day care centers in the area. She had planned to merge her center with another one on South Meadows and keep children six years of age and under.

MR. CLINT MAXWELL, a foster grandparent, spoke in favor of the change.

#### Motion

Councilmember Goodman moved that the Council grant "A" Residence, 1st Height and Area District with a restrictive covenant that the zoning revert to "AA", 1st Height and Area District if the property ever ceased to be used for anything other than a day care center for children age six and under and restricting the number of children in the center to 24. The motion was seconded by Mayor Pro Tem Mullen.

Assistant City Attorney John Meinrath pointed out that a restrictive covenant would be required to carry out Councilmember Goodman's intent. The applicant agreed to the restrictive covenant which would also limit the number of children in the center to 24.

Roll Call on Motion

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: Noes

The Mayor announced that the change had been granted to "A" Residence, 1st Height and Area District, subject to conditions, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOE R. AND DORA                      1407 Montopolis Drive  
G. ARELLANO  
C14-78-080

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended  
RECOMMENDED by the Planning  
Commission "GR" General Retail,  
1st Height and Area on the  
west 200 feet fronting  
Montopolis Drive

Mr. Knickerbocker reviewed the application by use of slides. The purpose of the zoning change was to establish an upholstery shop. The Planning Commission felt that the size of the lot was an excessive amount of land to zone "GR" General Retail and so recommended only the 200 feet be rezoned. The applicant was in agreement.

Councilmember Trevino moved that the Council grant "GR" General Retail, 1st Height and Area District on the west 200 feet fronting Montopolis Drive, as recommended by the Planning Commission. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino,  
Cooke, Goodman, Himmelblau  
Noes: None  
Not in Council Chamber when roll was called: Mayor McClellan

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on the west 200 feet fronting Montopolis Drive, and the City Attorney was instructed to draw the necessary ordinance to cover.

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CONSTANCE E.                      4611 North I.H. 35  
WOLLMAN  
C14-78-076

From "A" Residence  
1st Height and Area  
To "GR" General Retail  
1st Height and Area  
NOT Recommended by the Planning  
Commission  
RECOMMENDED "O" Office, 1st  
Height and Area

May 25, 1978

Mr. Knickerbocker reviewed the application by use of slides. The property was located just south of Municipal Airport on the north frontage road of I.H. 35. Other property in the area had been zoned "O" Office, but the applicant was requesting "GR" General Retail. The change to "O" Office was not agreeable to the applicant.

MS. CONSTANCE WOLLMAN, applicant, pointed out other areas of the City where commercial property abutted nice neighborhoods. She felt that it was discriminatory not to grant the requested zoning change to protect Delwood. She said that several years ago Austin National Bank obtained "O" Office zoning on a piece of property south of her and had had problems trying to use it for an office. She had considered opening a small business on the property and would agree to "LR" Local Retail zoning.

PAT GRIZZLE, an area resident, spoke in opposition to the zoning change.

Councilmember Himmelblau moved that the Council grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Cooke, Goodman, Himmelblau,  
Mayor Pro Tem Mullen

Noes: None

Not in Council Chamber when roll was called: Mayor McClellan

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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ED LONDON  
By Bill M. Smyrl  
C14-78-083

11047-11109 U. S. 183

From Interim "AA" Residence  
1st Height and Area  
To "GR" General Retail,  
"C" Commercial and  
"B" Residence  
1st Height and Area  
NOT Recommended

RECOMMENDED by the Planning  
Commission "GR" General Retail, 1st Height  
and Area on Tract 1, except a 25-foot  
landscape buffer of "A" Residence along  
the northern boundary, beginning at the  
easternmost boundary of the opposite  
"GR" General Retail line; "C" Commercial,  
1st Height and Area on Tract 3; "BB"  
Residence on Tract 4 except a 25-foot  
strip of "A" Residence along the northern  
boundary, a 25-foot landscape buffer along  
the west side of the proposed extension of  
Santa Cruz Drive, and "A" Residence, 1st  
Height and Area along the east side.

Mr. Knickerbocker reviewed the application by use of slides. The site consisted of slightly more than 21 acres, located north on U.S. Highway 183. The Planning Commission recommendations for "GR" General Retail zoning were in keeping with other zoning along U.S. 183. The applicant did not agree with the recommendations.

MR. BILL SMYRL, representing the applicant, stated that approximately 250 units had been planned for 8.67 acres of the overall tract. "BB" zoning would restrict development to 200 units or less. He had requested at the Planning Commission hearing that "B" Residence zoning be granted with an approved site plan restricting development to no more than 250 units, which would be approximately 28 units per acre. The request was to build 50 to 60 units more than allowed by "BB" Residence zoning.

#### Motion

Councilmember Goodman moved that the Council approve the alternate recommended by the Planning Commission. Councilmember Trevino seconded the motion.

#### Friendly Amendment - Accepted

Councilmember Cooke offered a friendly amendment that "B" Residence be granted with a restrictive covenant limiting development to 28 units per acre. Councilmember Goodman accepted the amendment.

The applicant agreed to the restrictive covenant and pointed out that he had asked the Planning Commission for that same consideration and was told that under "BB" Residence zoning, he could come in and request the excessive density.

In response to Councilmember Himmelblau's question, Mr. Knickerbocker said that the Planning Commission discussed granting "B" Residence with a restrictive covenant, but no real reason was given as to why it was not accepted. There was opposition from the Balcones Woods area residents and concern over the traffic impact on Santa Cruz when it was opened.

Mr. Smyrl pointed out that both he and the Planning Commission thought that even with a "BB" zoning restriction, he could apply for 250 units with a Special Permit.

Mr. Knickerbocker stated that area residents were concerned about traffic to a nearby school from the proposed high-density apartments when Santa Cruz was opened.

#### Substitute Motion

Councilmember Himmelblau offered a substitute motion that the Council grant "GR" 1st Height and Area District on Tract 1, except a 25-foot landscape buffer of "A" Residence along the northern boundary beginning at the easternmost boundary of the opposite "GR" General Retail line; "C" Commercial, 1st Height and Area District on Tract 3; "BB" Residence, 1st Height and Area District on Tract 4 except a 25 foot strip of "A" Residence, 1st Height and Area District along the northern boundary, a 25-foot landscape buffer along the west side of the proposed extension of Santa Cruze Drive and "A" 1st Height and Area District along the east side, as recommended by the Planning Commission, and let the applicant come in for a Special Permit.

Area residents would then have another opportunity to look at the request. Councilmember Himmelblau stated that she was not anxious to see more than "BB" Residence density and pointed out that there was a large undeveloped tract behind the tract under consideration. She felt that a dangerous precedent would be set by granting the higher zoning and always hated to see drastic changes on the zoning map because other applicants could make similar requests for zoning changes if they were contiguous.

Withdrawal of Original Motion

At that point, Councilmember Goodman withdrew his original motion and seconded Councilmember Himmelblau's motion. Roll call showed that Councilmember Himmelblau's motion carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Goodman, Himmelblau, Snell, Trevino

Noes: Councilmember Cooke, Mayor Pro Tem Mullen

The Mayor announced that the change had been granted to "GR" General Retail, 1st Height and Area District on Tract 1, except a 25-foot landscape buffer of "A" Residence along the northern boundary beginning at the easternmost boundary of the opposite "GR" General Retail line; "C" Commercial, 1st Height and Area District on Tract 3; "BB" Residence, 1st Height and Area District on Tract 4 except a 25-foot strip of "A" Residence, 1st Height and Area District along the northern boundary, a 25-foot landscape buffer along the west side of the proposed extension of Santa Cruz Drive and "A" Residence, 1st Height and Area District along the east side, as recommended by the Planning Commission, and let the applicant come in for a Special Permit; and the City Attorney was instructed to draw the necessary ordinance to cover.

ZONING DENIED

RONALD DRIVER  
By John Patton  
C14-78-075

612 and 614 Upson, also  
bounded by West 7th  
Street

From "A" Residence  
1st Height and Area  
To "BB" Residence  
1st Height and Area  
NOT Recommended by the Planning  
Commission

Mr. Knickerbocker reviewed the application by use of slides. He stated that there was a valid petition of 46% of property owners who lived within 200 feet of the subject property. The applicant did not appear before the Planning Commission and had not appeared during the conduct of the case. (5 additional names were submitted)

Councilmember Goodman moved that the Council uphold the recommendation of the Planning Commission, and DENY the zoning change. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

The Mayor announced that the zoning change had been DENIED.

## HISTORIC ZONINGS

THE SAN ANTONIAN  
C14h-74-046

702 San Antonio

From "O-H" Office-Historic  
2nd Height and Area  
To "O" Office  
2nd Height and Area  
NOT Recommended by the Planning  
Commission

Mr. Knickerbocker reviewed the application by use of slides. He stated that the Historic Landmark Commission had reviewed the conditions under which the subject property had originally been zoned historic and felt that those conditions were not valid. However, on a 5 to 4 vote, the Commission voted to retain the historic designation. On a 3 to 2 vote, the Planning Commission also voted to retain the historic zoning. The applicant desired to retain the historic zoning.

MRS. INA RAE SMITH, a member of the Historic Landmark Commission, stated that she was a member of the minority voting to remove the historic zoning. As a private citizen, she felt that the owners wanted the historic designation for tax purposes. The property was built in the period 1912-1915 and had some protection because it was in a National Register District.

Councilmember Himmelblau stated that she could not see granting the zoning on property which was built as late as the San Antonian.

Mayor Pro Tem Mullen stated that he felt it was extremely important to start off correctly since this was the first case to be considered since the Council established the tax break for historically zoned structures. He appreciated the minority report of the Landmark Commission and concurred with it.

Councilmember Himmelblau moved that the Council change the zoning designation from "O-H" Office-Historic, 2nd Height and Area District, to "O" Office, 2nd Height and Area District, and REMOVE the historic designation. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmember Cooke

The Mayor announced that the change had been granted to "O" Office, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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May 25, 1978

MILLICAN HOUSE  
By City of Austin  
C14h-74-004

1610 West Avenue

From "O-H" Office-Historic  
1st Height and Area  
To "O" Office  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met none of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept finding of fact and grant "O" Office, 1st Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "O" Office, 1st Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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GERHARD-SCHOCH  
HOUSE  
By City of Austin  
C14h-78-002

2212 Nueces

From "B" Residence  
2nd Height and Area  
To "B-H" Residence-Historic  
2nd Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met Items a, b, c, h, i, k, l and m of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept the finding of fact and grant "B-H" Residence-Historic, 2nd Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "B-H" Residence-Historic, 2nd Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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COTTON EXCHANGE-  
CLEGG/AUSTIN  
By City of Austin  
C14h-78-008

401 East 6th Street

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met Items a, b, c, f, g, h, i, k, l and m of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept finding of fact and grant "C-2-H" Commercial-Historic, 4th Height and Area District. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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J. L. BUAAS  
BUILDING  
By City of Austin  
C14h-78-009

407 East 6th Street

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met Items a, b, c, f, g, h, i, k, l and m of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept finding of fact and grant "C-2-H" Commercial-Historic, 4th Height and Area District. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOSEPH NALLE  
BUILDING  
By City of Austin  
C14h-78-010

409-413 East 6th Street

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met Items a, b, f, h, i, k, l and m of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept the finding of fact and grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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HAMILTON BUILDING  
By City of Austin  
C14h-78-013

419 East 6th Street

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met Items a, b, f, h, i, k, l and m of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept the finding of fact and grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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SCHUWIRTH  
BUILDING  
By City of Austin  
C14h-78-014

506 (512) Neches

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met Items a, b, c, f, h, i, k, l and m of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept finding of fact and grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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PAGGI BLACK-  
SMITH SHOP  
By City of Austin  
C14h-78-015

503 Neches

From "C-2" Commercial  
4th Height and Area  
To "C-2-H" Commercial-Historic  
4th Height and Area  
RECOMMENDED by the Planning  
Commission

The Landmark Commission felt that it met Items a, b, f, h, i, k, l and m of the criteria required for Historic zoning.

Mayor Pro Tem Mullen moved that the Council accept finding of fact and grant "C-2-H" Commercial-Historic, 4th Height and Area District, as recommended by the Planning Commission. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the change had been granted to "C-2-H" Commercial-Historic, 4th Height and Area District, and the City Attorney was instructed to draw the necessary ordinance to cover.

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## HISTORIC ZONING POSTPONED

JOHNSON HOME  
American Legion  
Post #76, owner  
C14h-77-023

2201 West 1st Street

From "C" Commercial  
1st Height and Area  
To "C-H" Commercial-Historic  
1st Height and Area  
RECOMMENDED by the Planning  
Commission

Mayor Pro Tem Mullen moved that the Council postpone the zoning case for 60 days, until 10:00 a.m., July 27, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmembers  
Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

The Mayor announced that the zoning case had been POSTPONED.

## CHILD, INC.

The Council had before it for consideration, changing the use of City funds for the Fiscal Year 1977-78 contract with Child, Inc. Mr. Andy Ramirez, Director of the Human Resources Department, stated that the Texas Department of Human Resources was reallocating its Title XX funds among regions and localities on the basis of populations in need of services for FY 1978. He stated that because of this, Child, Inc., did not receive the matching funds it had anticipated and that available City funds for the agency were restricted to a matching basis only. Mr. Ramirez indicated that the agency was now being forced to reduce the number of children currently receiving services, due to the decrease in funding. He stated that they did not think it was a good idea to just dump the children without any kind of services at all. Mr. Ramirez stated that the agency could phase-down to what it expects its funding level to be next year. He stated that because \$106,411 of City funds will not be required for matching purposes, the agency is requesting that it be allowed to use these funds for direct support of operating costs during a period of scaling down through attrition.

In response to a question from Councilmember Himmelblau, Mr. Ramirez indicated that the agency would have to scale down from 439 children currently receiving services. He stated that they were recommending that the scaling down come through attrition as opposed to closing down some of the centers or discontinuing services to some of the children. Councilmember Cooke stated that he wanted the agencies input as to how the money will be used. Mr. Ramirez indicated that he would return with a report on this next week. Councilmember Himmelblau indicated that she wanted more information as to how agency services will be scaled down and indicated that she wanted a week's delay on the matter before taking action.

MR. CLIFF MAXWELL spoke before the Council about some of the problems being experienced by MHMR. Mayor McClellan informed Mr. Maxwell that he was not talking about the same thing, and that the topic at hand was Child, Inc.

Councilmember Himmelblau moved that the Council POSTPONE action on the matter until June 1, 1978. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: None

Councilmember Snell recommended that someone from Child, Inc., attend the meeting of June 1, 1978, in order to answer questions from the Council.

#### CASWELL PRO-MANAGER CONTRACT

The Council had before it for consideration amending the Caswell Pro-Manager contract to include Austin High School Tennis Center. Mr. Michael Segrest, Acting Director of the Parks and Recreation Department, told the Council that the Electric Department is currently working on installing lighting at Austin High School. He stated that everything has been received except some of the control equipment. Once this is received, it will take three days to get the lights operational. Mr. Segrest indicated that the Austin High School site will be operating as of June 1, 1978, and that, hopefully, the lighting will be operational by that time. He stated that there will also be a temporary pro shop on the site which will be used until the permanent facility is built. Chemical toilet facilities will also be located on the site, as well as water coolers. In regard to the LBJ site, Mr. Segrest stated that they were still negotiating with the School District on a final agreement for the development of that site. Mayor McClellan asked if the LBJ site could be a satellite of the Pharr Tennis Center. Mr. Segrest indicated that it could if the pro at the Pharr Center was interested in that sort of arrangement. He stated that the construction at the Caswell Center was proceeding on schedule. Councilmember Himmelblau asked if it was wise to commingle funds as outlined in point 6 of the amended contract. Mr. Segrest said that this would be the most equitable way of handling it. He stated that the City's percentage escalates as the contractors' gross receipts escalate.

Councilmember Goodman moved that the Council adopt a resolution amending the Caswell Pro-Manager contract to include the Austin High School Tennis Center. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen  
Noes: None

#### CETA, TITLE III HIRE

The Council had before it for consideration, submission of a grant application to the U.S. Department of Labor and receive \$151,464 to provide on-the-job training services for approximately 88 persons under CETA, Title III HIRE (Help through Industry Retraining and Employment Program) beginning July 1, 1978, through September 30, 1978. Councilmember Cooke asked what kind of

industry would retrained people be incorporated into. Mr. Andy Ramirez, Director of the Human Resources Department, told the Council that jobs would be within the private sector and that the training would be done by the individual organization based on a reimbursement that is determined by TEC (Texas Employment Commission) and the Department of Labor. He stated that this money is not a lump sum grant. Mr. Ramirez indicated that contracts to different companies are approved and awarded by the national office. He stated that these companies are later reimbursed for training they render. He also pointed out that this is a demonstration project. Councilmember Cooke indicated that he wanted to see what industry has been receptive to the program. Mr. Ramirez stated that TEC would provide this information.

Councilmember Cooke moved that the Council adopt a resolution approving submission of a grant application to the U. S. Department of Labor and receive \$151,464 to provide on-the-job training services for approximately 88 persons under CETA, Title III HIRE beginning July 1, 1978 through September 30, 1978. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell  
Noes: None

F.A.A.

The Council had before it consideration of authorization to apply for a planning grant from the Federal Aviation Administration for airport site selection studies. (Total Project cost estimate \$115,000; FAA share \$103,500; City share \$11,500) In response to question from Mayor McClellan, Mr. Roy Bayless, Director of Aviation, stated that it would take seven months to complete the application. He stated that they would look at three sites and leave a fourth one open for consideration if the City and the consultant deemed it appropriate to do so.

Councilmember Trevino moved that the Council adopt a resolution authorizing an application for a Planning Grant from the Federal Aviation Administration for airport site selection studies. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mayor Pro Tem Mullen, Councilmembers Snell, Trevino  
Noes: None  
Not in Council Chamber when roll was called: Councilmember Goodman

## MANDATORY RETIREMENT AGE

The Council had before it for consideration amending the Mandatory Retirement Age provision of the Personnel Policies. Deputy City Manager Reed pointed out that the proposed amendment would retain a mandatory retirement age of 65 for employees of the Fire Department, Police Department and Emergency Medical Services.

Motion

Mayor Pro Tem Mullen moved that the Council adopt a resolution amending the Mandatory Retirement Age provision of the Personnel Policies - Alternate #2: Retaining a mandatory retirement age of 65 for the employees of the Fire and Police Department, and the Emergency Medical Services. The motion was seconded by Councilmember Himmelblau.

Mr. Jimmy Flakes, Director of the Personnel Department, pointed out to the Council that they had left the wording of the provision very broad so as to include other critical occupations which the City Manager may later deem should have a mandatory retirement age also. Councilmember Cooke stated that key executives of corporations might be inclusive of this category due to the stresses of their particular occupation.

Friendly Amendment

Councilmember Goodman made a Friendly Amendment to the motion, that whenever a decision relating to retirement of whole categories is to be made, that the matter be automatically referred to the City Council. The amendment was acceptable to both the motion and second.

Roll Call on Motion and Friendly Amendment

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmember Trevino, Mayor McClellan  
Noes: Councilmember Snell

## LITTLE WALNUT CREEK BRANCH LIBRARY

The Council had before it for consideration amending the 1977-78 Operating Budget to provide \$250,600 for furnishing and equipping the Little Walnut Creek Branch Library. In response to a question from Councilmember Himmelblau, Deputy City Manager Homer Reed stated that this amount is what is needed to finish the budgeting for getting the building open, except for the staff. He stated that the staff will be included in the budget on October 1, 1978. The Council then pulled this item until Mr. David Earl Holt, Director of the Library, arrived at the meeting.

## WASTEWATER - THREE YEAR INTERVAL

The Council had before it for consideration amending Ordinance No. 780119-I to provide a three year interval between the availability of wastewater lines and the levy of wastewater charges to occupants of adjacent



properties which are not connected to the wastewater system. Councilmember Goodman asked what kind of agreement was made with the residents of the Angus Valley area in 1975. Deputy City Manager Reed pointed out that former Mayor Jeffrey Friedman had drafted a letter to the residents of Angus Valley informing them that water and wastewater service would be available in the area. He stated that there has been no violation of any commitments but could understand how persons in the area would think that. Mr. Reed stated that they do not consider the present Ordinance to be administratively workable and also did not think it was fair to homeowners in the area. Councilmember Himmelblau pointed out that the previous Council had made the commitment that if a homeowner had a working septic tank that was acceptable to the City-County Health Department, that they would not be forced to tie into the City system.

#### Motion

Councilmember Himmelblau moved that the Council approve the three-year interval between the availability of wastewater lines and the levy of wastewater charges to occupants of adjacent properties which are not connected to the wastewater system, with the exception of persons owning certifiable septic tanks who will have a longer period of time. Councilmember Goodman seconded the motion.

Councilmember Snell asked if there were other areas in the City which had the same type of problem. Mr. Reed pointed out that there were similar situations throughout the periphery of the City. He stated that the wastewater charges were necessary from a public health standpoint.

#### Motion Withdrawn

Councilmember Himmelblau withdrew her previous motion, inclusive of exempting persons owning certifiable septic tanks for longer period of time.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING ORDINANCE NO. 780119-I TO PROVIDE A THREE YEAR INTERVAL OF TIME BETWEEN THE CONSTRUCTION OF A WASTEWATER LINE AND THE LEVY OF WASTEWATER CHARGES FOR CUSTOMERS WHOSE PROPERTY IS ADJACENT TO THE LINE AND IS NOT CONNECTED TO THE WASTEWATER SYSTEM; SUSPENDING THE RULE REQUIRING THAT ORDINANCES SHALL BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: Councilmember Snell

The Mayor announced that the ordinance had been finally passed.

## LITTLE WALNUT CREEK BRANCH LIBRARY

At this point in the meeting, the Council then referred back to the Ordinance amending the 1977-78 Operating Budget to provide \$250,600 for furnishing and equipping the Little Walnut Creek Branch Library. In response to questions from Councilmember Himmelblau, Mr. Daron Butler, Director of the Research and Budget Department, stated that \$70,000 was being allocated for furnishing and equipment and that this included shelving for the library. He stated that he was not aware of the extent to which equipment from other libraries could be shifted to the Little Walnut Creek Library. Councilmember Himmelblau stated that she was not in favor of re-leasing for other libraries and that once closed, they should remain closed. Deputy City Manager Homer Reed indicated that equipment shifts would come up later on in the budget and recommended deferring the question until that time. Mr. Butler pointed out that the new Central Library would also have to be furnished and that in light of this equipment shifting would be possible.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING THE 1977-78 OPERATING BUDGET BY APPROPRIATING \$250,600 TO THE LIBRARY BUDGET; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Himmelblau

Noes: None

Not in Council Chamber when roll was called: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

Councilmember Cooke requested that staff include a running tally of everything deducted from the ending balance as a part of the Council back-up material. Mr. Reed indicated that they would be glad to do this.

## EXECUTIVE SESSION

At this point in the meeting, Mayor McClellan announced that the Council would convene in a closed or executive session authorized by Section 2, Paragraphs (e), (f) and (g) of Article 6252-17, Texas Revised Civil Statutes Annotated; and after such closed or executive session, any final action, decision or vote with regard to any matter considered in the closed or executive session will be made in open session, should such action, decision or vote be necessary.

RECESS

Council recessed for executive session and resumed its meeting at 1:35 p.m.

## BOARD AND COMMISSION APPOINTMENTS

The Council took into consideration appointments to various Boards and/or Commissions. City Manager Dan Davidson indicated that there was a membership on the Civil Service Commission which expired on May 6, 1978. He asked that the Council confirm the appointment on Dr. John King for an additional term on the Commission, which would end May 6, 1980. Mr. Davidson stated that Dr. King has served in an outstanding way on the Commission and recommended that he be re-appointed.

Civil Service Commission

Councilmember Snell moved that the Council confirm the recommendation of the City Manager to re-appoint Dr. John King to the Civil Service Commission for a term ending May 6, 1980. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers  
Himmelblau, Mayor Pro Tem Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmembers Trevino,  
Cooke, Goodman

Board of Adjustment

Mayor Pro Tem Mullen moved that the Council appoint Mr. Bill Brophy as an alternate to the Board of Adjustment. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mayor  
Pro Tem Mullen, Councilmember Snell

Noes: None

Not in Council Chamber when roll was called: Councilmembers Trevino,  
Goodman

Parks and Recreation Board

Councilmember Himmelblau moved that the Council appoint Mr. Bill Nalle and Mr. Mark Rose to the Parks and Recreation Board, both appointees having experience in navigation and serving for a term ending June 1, 1980. The motion, seconded by Councilmember Cooke, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Himmelblau, Mayor  
Pro Tem Mullen, Councilmember Snell

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman,  
Trevino

Commission on the Status of Women

Mayor Pro Tem Mullen moved that the Council appoint Ms. Betty Hunt and Ms. Laurie Paxon to the Commission on the Status of Women, for terms ending June 30, 1980. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Himmelblau, Mayor Pro Tem Mullen,  
Councilmember Snell, Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman,  
Trevino

Board of Equalization

Councilmember Snell moved that the Council appoint Mr. James Koch, Mr. Joe K. Wells and Mr. Joel Bennett to the Board of Equalization for terms ending May 31, 1979. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember  
Snell, Mayor McClellan, Councilmember Cooke

Noes: None

Not in Council Chamber when roll was called: Councilmembers Goodman,  
Trevino

Appointments to be made June 1st

Mayor McClellan indicated that the following appointments will be made on June 1, 1978:

Ongoing Goals Committee - 2 members (1 from Zone 7 and 1 from Zone 8)  
Parks and Recreation Board - 1  
Building Code Board of Appeals - 1  
Manpower Advisory Planning Council - 1  
Citizens' Board of Natural Resources and Environmental Quality - 1  
Vending Commission - 4  
Human Relations Commission - 1  
Urban Renewal Board of Directors - 3  
Planning Commission - 4

Appointments to be made June 15th

Mayor McClellan indicated that the following appointments will be made on June 15, 1978:

Airport Zoning Board - 1  
Building Standards Commission - 5  
Dental Health Advisory Committee - 13

Mayor McClellan stated that the Council would be making one (1) emergency appointment to the Electric Utility Commission on June 8, 1978.

## PUBLIC HEARING ON PAVING ASSESSMENTS

Mayor McClellan opened the public hearing scheduled for 1:30 p.m. in connection with paving assessments to be levied on the following streets; and passage of ordinances:

- a. ALAMO STREET and Sundry other streets (Non-Interest Bearing) covering approximately 25 blocks. C.I.P. No. 75/62-20
- b. ALAMO STREET and Sundry other streets covering approximately 25 blocks. C.I.P. No. 75/62-20
- c. PECOS STREET covering approximately 5 blocks. C.I.P. No. 75/65-04
- d. METCALFE ROAD covering approximately 5-1/2 blocks. C.I.P. No. 76/62-08

John German, Director of Public Works, addressed the Council as follows: "This is a public hearing, of course, to consider levying assessments on this particular project, which is Community Development District No. 2. Essentially, it is several streets in the area of 13th to Manor and IH 35 to Cedar Street in East Austin. There were a total of 138 property owners involved in this particular project. 81 of those have already paid their assessments, and 57 remain to be considered at this public hearing today. Of those, 35 are of the non-interest bearing type and 22 are interest bearing. That's the only difference between Items a. and b. Twenty-five of these have signed an inability to pay statement. This represents a total payment of about...a little over 60% of those who were involved in this particular project. We have had an appraiser look at all of the properties that are involved in this public hearing today and he has prepared a report which you have available to you. He has considered the enhancement that these paving improvements have made to the properties involved. And he recommends a level of assessment based upon the information in his report. His report is a blue-bound book. Each of you should have a copy of it."

In response to Councilmember Himmelblau's question, Mr. German stated that it was a separate transaction when right-of-way acquisition was involved in a paving project. People were paid for the right-of-way and then assessed for the paving. He did not know how many people had been paid for right-of-way and now claimed inability to pay for the assessment, but he would get that information.

Councilmember Himmelblau wondered about having a policy whereby right-of-way money would be held in contingency to pay for paving assessments. Mr. German said that was an option which the Council could look at, but the two transactions had been handled separately because they were different.

City Attorney Harris felt that there might be some legal problems with such a policy, but he would examine it carefully.

Councilmember Himmelblau said, "I guess what I don't like, Jerry, is that we see the statement, 'inability to pay,' but yet there has been a cash transaction. It just bothers me."

Mr. German pointed out that he had to rely solely on the property owner's statement regarding "inability to pay." Mr. German stated that Mr. Wiley, the appraiser who made the study, was present and could present some information on the case.

Mr. Harris asked Mr. Wiley if he was hired as the appraiser for all of the projects which were on the agenda for hearing, and if he did prepare the report contained in blue. Mr. Wiley replied, "That's correct."

Mr. Harris asked Mr. Wiley if pages 38 through 41 of the report were in writing Mr. Wiley's qualifications and background as a real estate appraiser. Mr. Wiley replied, "That's correct."

Mr. Harris asked, "As far as what is called on the agenda The Alamo Street Project on pages 10 through 13 of that report which will be tendered to the City Clerk and made part of the record, do those pages accurately reflect your opinion as to the enhancement to each of the properties listed as a result of the particular paving project?"

Mr. Wiley: "That's correct. Out of those projects--that project--there was only one parcel that did not receive an enhancement in an amount equal to or above the paving assessment. And that particular project was located at 1909 East 14th Street. The problem with that particular parcel is that it does not front..the residence does not front the side for the paving assessment. And it is on a partial lot..a half lot. So that on this basis we went to the side frontage assessment and market enhancement figure, and in doing that it did not come up to the full assessed value."

Mr. Harris asked, "Mr. Wiley, did you view these properties?"

Mr. Wiley: "Yes, we've reviewed them, reviewed the area. We did not get into the area actually before the paving had begun. We had on the other projects, but not this one."

Mr. Harris asked, "Did you view the properties prior to the time that the project was completed?"

Mr. Wiley: "Yes, we have pictures which are contained in the report showing it prior to completion. At this time I also have pictures of the individual parcels involved that are not in the report, but would be available upon request."

Mr. Harris: "All right. Will those be tendered into the record here?"

Mr. Wiley: "If you so wish, we could tender a set of them"

Mr. Harris: "And did you gather market data in conjunction with your appraisal of the enhanced value of these properties?"

Mr. Wiley: "Yes, we attempted to research the market for the general vicinity of the project. In this particular one we began with approximately 23 transactions within the area and began to work them down in an attempt to get at site values only. And of course, as an appraiser we really would like to

find a sale of property before the project and then a sale of property in best words after, but in this particular case it's too early to do that. And the second one was that the availability of this type of data is rather limited. But we do have some sales that would indicate after analysis that probably \$15 a foot..front foot..of the residential area is the enhancement market value. This correlates with the past testimony with, let's say, the other projects we've done in which in looking in the areas we found \$15 to \$20 in those projects.

Mr. Harris: "Is your market data analysis contained on pages 14 through 20 of the written report that you prepared?"

Mr. Wiley: "What we have is some market sales inserted in the report that we found after working the transactions. The actual evaluation of that is something that is, I guess, essentially in my head and not on paper."

Mr. Harris: "Thank you, Mr. Wiley."

Mayor McClellan then asked if anyone wanted to speak. No one appeared to be heard.

Mr. German then discussed Item c., which was the paving of Pecos Street essentially from 35th Street to Scenic Drive. Thirty-one properties were involved in the project; 25 of those had paid and 6 remained to be considered at the public hearing. Mr. Wiley in his report had recommended that all 6 be reduced because the value of enhancement did not come up to the assessment level.

Mr. Harris: "Mr. Wiley, as far as the Pecos Road project, is your summary of your opinion as to the enhancement, if any, to these properties contained on page 24 of the report that's already been referred to?"

Mr. Wiley: "Yes, it is."

Mr. Harris: "All right. Mr. Wiley, if you could, since there are, I believe, 6 properties listed on that sheet, could you briefly cover each property as far as your determination of opinion of enhanced value due to the project, if any?"

Mr. Wiley: "Yes. Do you want me to just give you the number at this time rather than trying to get into how this was calculated?"

Mr. Harris: "Yes, that would be a good start on each individual property."

Mr. Wiley: "We had a property at the Woodstone Square area. We indicated that the amount of benefit to those was \$1,186.00. The assessed amount was \$1,957.23, so that my amount of benefit did not come up to the assessed amount in that particular case as in all 6 evaluated here. Two properties at 3201 Pecos and 3203, the amounts were \$283 and \$365. On the, across the street at 3208 Pecos the amount was \$571. At 3406, 08 and 10 Pecos, the amount was \$981. And at 3414 Pecos the amount was \$54."

Mr. Harris: "All right. Mr. Wiley, in arriving at your opinion, was there some major consideration that led you to rendering the opinion that the enhancement was at this level below the assessed amount?"

Mr. Wiley: "Yes, it was. Physically, first, we might ought to describe some of the parameters that are there in that particular area. This was a County paved road so that essentially some paving was already present on the site. Also, some of the property owners already had curbs and gutters. Others did not. Another parameter that enters into this particular study is that it crosses a creek bed for which the City is building a bridge. But, in addition to that, some of the properties are effected by flood plain. So that tying all these parameters together and trying to come up with an enhancement in a project where in the past we've had projects where it's simply usually a gravel road and we're paving and curbing it and we don't have these kinds of parameters entering was a major factor in consideration of what we're trying to do here."

Mr. Harris: "On those properties which had existing curb and gutter, did you attribute any enhancement due to the fact that that curb and gutter was taken out and new curb and gutter replacing it?"

Mr. Wiley: "No, I did not. I essentially considered that they had curb and gutter there and that was a benefit that they already had and were not in a sense being enhanced by a new one being replaced by one that was already functional."

Mr. Harris: "And, as to the properties which had the existing county road running by it, did you attribute any enhancement to the fact that that county road was taken out and a new road placed on the surface?"

Mr. Wiley: "There was a..after evaluation of the smattering of market data that we had there, and also in conjunction with the second project I have on Metcalfe Road, it appeared that probably there was some kind of marginal enhancement for this being done and the relationship was approximately 32% of my market enhancement for side yard figure, or side figure, or \$7.50..approximately 32%..we get down to a little under \$2.50 a running foot is what it amounts to. And so for the paving, this is what I considered there in that area as an enhancement to the residential property."

Mr. Harris: "In other words, your opinion is that enhancement amounted to about \$2.50 per front foot?"

Mr. Wiley: "That's correct."

Mr. Harris: "All right. And Mr. Wiley, as far as the property located at 3414 Pecos, I see you in your opinion the enhancement was about \$54. And is it true that that opinion was based on the fact that as far as you knew that property still had access to Pecos Street?"

Mr. Wiley: "Yes, it has..it was indicated to me that it has a small amount of access. I think with the construction of the bridge abutment and of course I had no survey to work from..just simply looking at the structures that are there. Also a factor in the access would be flood plain which a part of that lot I believe would be in. The topographic conditions involved there, so that essentially the City has reported through Engineering to us that we had 25 feet that still had access, and for purposes of this study it was only the 25 feet that I considered."



Mr. Harris: "And, changing the assumptions just a little bit, Mr. Wiley, if you were told to appraise the enhancement based on the legal premise that that property really does not have access in the past and will not have access in the future, would that change your opinion as to the enhancement?"

Mr. Wiley: "Yes, it would. I would simply have to have zero there."

Mr. Harris: "And, would that be the same for any property which did not have access to Pecos Street?"

Mr. Wiley: "That's correct."

Mr. Harris: "Thank you, Mr. Wiley."

Mayor McClellan then asked if anyone was present to speak on the project.

MR. PAUL JONES, an attorney representing Mr. Frederick, who was the owner of the property located at 3201-3203 Pecos Street, asked to question Mr. Wiley regarding his opinion. He had not seen Mr. Wiley's report and questioned his opinion of value creating any enhancement on the properties.

Mr. Jones: "Mr. Wiley, what's the date of your appraisal?"

Mr. Wiley: "The date of the report, Mr. Jones, is May 12th. The actual report, of course, covered a considerable amount of time as the project ensued."

Mr. Jones: "I assume that your opinion then would be based upon an opinion of the market value of the property immediately prior to the completion of the improvements and an opinion of the market value of the property immediately subsequent to the installation of the improvements. Is that correct?"

Mr. Wiley: "Immediately prior and immediately subsequent?"

Mr. Jones: "Yes, sir."

Mr. Wiley: "So that we would have on that definition as far as you're concerned a time span of five to eight months, whatever the completion of the project is."

Mr. Jones: "No, what I'm asking you is if your opinion of the value of the property..we're discussing the market value being enhanced I believe..is that correct?"

Mr. Wiley: "That's correct."

Mr. Jones: "So your opinion of the market value would be reflected on the market value of the property prior to the installation of the additional curb, pave and guttering and so on for street improvements versus the market value of the property immediately following the installation."

Mr. Wiley: "That's correct."

Mr. Jones: "All right. Have you made an appraisal of the properties at 3201 and 3203 Pecos?"

Mr. Wiley: "I have not."

Mr. Jones: "So you have not formed an opinion of the market value immediately prior to the installation of the improvements and immediately following?"

Mr. Wiley: "I have not."

Mr. Jones: "Were you aware on these properties that there did exist what appeared to be to a routine buyer a paved, curbed and guttered street?"

Mr. Wiley: "I am."

Mr. Jones: "In view of the fact that you have not appraised these properties and cannot give an opinion of the market value before and after, are you still of the opinion that the market value or willing to testify that the market value of these properties which you have not appraised has been increased without having appraised the property?"

Mr. Wiley: "Yes, I am, on the basis of the market study that we have for site values."

Mr. Jones: "Well, what is that market study? We have not been furnished with that."

Mr. Wiley: "What we have attempted to do is evaluate site sales within the project areas that we've been looking at. This happens to be the third hearing, possibly the fifth project involved by my particular office. In the past these have involved..I won't say multiple sales of the same property..but at least analysis of sales in areas where sales took place prior to improvement and reflected sales after such improvement. Admittedly, the biggest part of the data is involved in small sites in the paving program in East Austin."

Mr. Jones: "Typically, are those not as you mentioned earlier you've gone from an unpaved street to a paved street?"

Mr. Wiley: "That's correct. The.."

Mr. Jones: "So that you have..do you have any sales or any market data where you have gone from a paved street to a paved street?"

Mr. Wiley: "I have one sale adjoining and across the street from Mr. Frederick's property. The property was purchased by Mr. Jack Ritter. In confirming that..."

Mr. Jones: "Across Pecos Street?"

Mr. Wiley: "That's correct. In confirming that sale with Mr. Ritter, he confirmed the sales price, also confirming that at the time he purchased the property he paid a paving assessment of \$850. And at that particular time felt that it was a bargain as far as he was concerned in the paving of that assessment."

Mr. Jones: "All right. He did not then have paving or did not have curb and gutter. He did not have something. Is that correct?"

Mr. Wiley: "He did not have curbing and guttering. He had paving."

Mr. Jones: "All right. And his paving was of the type that had no curb and guttering and could have been washing away and flaking?"

Mr. Wiley: "That's correct."

Mr. Jones: "That was not the case on the subject property, was it?"

Mr. Wiley: "That's correct."

Mr. Jones: "Subject property had curb and gutter and appeared to all intents and purposes to be as any other City street. Did it not?"

Mr. Wiley: "That's correct."

Mr. Jones: "A willing buyer looking at that property would have assumed that he was paying whatever was being paid for access on a City street. Would he not?"

Mr. Wiley: "If he looked at the street completely, he would realize that it was a County road, I believe."

Mr. Jones: "Have you..in your experience discovered many buyers who go out and take core samples of paved streets in front of property prior to their purchasing it?"

Mr. Wiley: "No, sir, and I do not do that in my appraisal work either."

Mr. Jones: "So that to all intents and purposes looking at the subject property it looked for all the people to see that it was on a City street, did it not?"

Mr. Wiley: "It looked as though it had paved and curbing. I think the question as to whether it was..you would assume that it's actually on a City street or a County road with paving and curbing, that would be an open-ended question."

Mr. Jones: "If it's inside the City and it looks like a City street, then somebody is going probably to think it is."

Mr. Wiley: "Somebody probably will. Somebody might think the exact opposite. So..."

Mr. Jones: "Did you make any inquiry of the City Tax Office as to whether or not they had been downgrading the property in terms of their assessment of it because it was on a street that only looked like a City street?"

Mr. Wiley: "No, sir, I did not."

Mr. Jones: "What was the condition of the street immediately in front of Mr. Frederick's property? We'd now talk about the east one-half of Pecos which is the property with which we are concerned."

Mr. Wiley: "The condition of that was in fair to good condition. In fact I have a picture in that report that you may look at showing the condition prior to the project."

Mr. Jones: "There were no chuck holes or any major problems...?"

Mr. Wiley: "There were no major problems in the street at that time."

Mr. Jones: "All right. Do you recall visiting with Mr. Frederick at a meeting of the Institute at San Antonio in about December of last year?"

Mr. Wiley: "Yes, I do."

Mr. Jones: "And do you recall discussing this very case with him at that time?"

Mr. Wiley: "Yes, sir, I do."

Mr. Jones: "And do you recall agreeing with him at that time that there had been no enhancement of his property, as you saw it?"

Mr. Wiley: "I do."

Mr. Jones: "And you did make that statement to him at that time?"

Mr. Wiley: "I did. I would also like to answer that question further by saying that sometimes appraisers are prejudiced also and that in examining the market, it appears to me that there is a marginal contribution and this is what I found from the market place and the reason for the change in opinion."

Mr. Jones: "But the only sale you're citing in terms of the market place, as far as this sale is concerned, is the Jack Ritter sale immediately across the street that did not have curb and gutter."

Mr. Wiley: "That's correct, in this particular project."

Mr. Jones: "I have no further questions of this witness; if there are no further questions by Mr. Harris or other further statements, I would like to have Mr. Frederick testify."

Mr. Harris: "Mr. Wiley, you testified that this particular property did have curb and guttering on its side of the street?"

Mr. Wiley: "Yes."

Mr. Harris: "Was there curb and guttering on the opposite of the street of this particular property?"

Mr. Wiley: "No."

Mr. Harris: "Was there any curb and guttering on that side of the street at all?"

Mr. Wiley: "Practically speaking, no, all the way to the north end of the project."

Mr. Harris: "Mr. Wiley, have you ever seen City streets without curb and guttering, are there some still?"

Mr. Wiley: "There probably are some somewhere, but they're not streets that you put in originally."

Mr. Harris: "Thank you, Mr. Wiley."

Mr. Jones: "We'd like to have Mr. Frederick testify and he will appear under oath if the Council so desires."

Mayor McClellan indicated that Mr. Frederick was a creditable person in the area and did not need to take an oath.

Mr. Jones: "Would you state your name for the record?"

Mr. Frederick: "Jim Frederick"

Mr. Jones: "And you are the owner of the property at 3201 and 3203 Pecos?"

Mr. Frederick: "That's correct."

Mr. Jones: "Now you've heard that property described as fronting on what appeared to be curbed and guttered City streets."

Mr. Frederick: "Yes, sir."

Mr. Jones: "How long have you owned the property?"

Mr. Frederick: "11 years"

Mr. Jones: "In what condition were the streets at the time you purchased the property?"

Mr. Frederick: "Just like they are now, or like they were before they were torn up."

Mr. Jones: "Were they in better shape than they are now?"

Mr. Frederick: "Well..."

Mr. Jones: "Mr. Frederick, what is your profession?"

Mr. Frederick: "I'm a real estate appraiser."

Mr. Jones: "And you are a member of the same institutes, at least the same institutes Mr. Wiley is a member of?"

Mr. Frederick: "We're brothers, yes, sir."

Mr. Jones: "In fact, you're President of the Institute at this time, are you not?"

Mr. Frederick: "Of our Chapter, yes."

Mr. Jones: "If Mr. Harris is willing to stipulate his qualifications to testify as to the opinion of market value, we will avoid any further hassle along those lines?"

Mr. Harris: "As the owner of property and as an expert witness."

Mr. Jones: "Jim, in your opinion as an appraiser and as the owner of property, do you find or have an opinion as to whether or not there's any enhancement, any increase in the market value of your property resulting from the paving project for which these assessments are proposed to be levied?"

Mr. Frederick: "No, sir, I don't think so."

Mr. Jones: "Would you explain to the Council why?"

Mr. Frederick: "Well, I had a paved, curbed and guttered street there before and I'm going to have a paved, curbed and guttered street there when we get through. This street was in good shape, there weren't chuck holes in it and as far as I was concerned, as far as I know, it was a regular City street. A month or two months or two weeks after this new street is finished, its going to look just like the one that was there. I mean its going to look pretty and black and new when it's through, but Pecos Street carried a great deal of traffic before the opening of MoPac and with all that traffic on it, there never was any major maintenance problems on it. It was a substantial street, I don't understand what is meant by County road. There are a lot of County roads that are built to very strong specifications and, of course, I didn't see that road built. I don't know what the specifications were, but it was a good paved and curbed and guttered street just like any other street in town. And then take it out and put in more and make me pay for it, I don't think this ever would have happened if it hadn't been for the bridge down the road, down the street."

Mr. Jones: "We're now speaking only about the east side of Pecos, are we not?"

Mr. Frederick: "Yes, sir."

Mr. Jones: "The west side had a substantially different factual situation, did it not?"

Mr. Frederick: "The west side had no curbs and gutters, I don't think, all the way from Scenic Drive to 35th Street."

Mr. Jones: "Mr. Frederick, appraisal would be considered an art rather than a science, would it not?"

Mr. Frederick: "Yes, sir."

Mr. Jones: "In appraising property the size of this one, what difficulties would you have in narrowing your opinion of value as closely as \$648?"

Mr. Frederick: "Well, it would be impossible, no one can be that exact."

Mr. Jones: "All right. Do you have..does this property suffer in any way from any flood plains?"

Mr. Frederick: "No, sir."

Mr. Jones: "We have no further questions of Mr. Frederick, Jerry."

Mr. Harris: "Okay. I just have a couple, Mr. Frederick, if I could. In your appraisal work, do you ever give any consideration or weight to the type of road that property is located on?"

Mr. Frederick: "Yes."

Mr. Harris: "And you stated, in appearance-wise any way as far as you're concerned, you could not see any difference between this road and the road that was there previously?"

Mr. Frederick: "No, sir."

Mr. Harris: "And, but you don't know whether there was any difference as far as construction techniques go or the amount of the base, the type of base or the quality, so to speak, of the project?"

Mr. Frederick: "No, sir, I don't."

Mr. Harris: "I have no further questions."

Councilmember Cooke asked Mr. Frederick if the completion of the street meant that it would be paved and guttered on both sides of the street. Mr. Frederick replied that the street would be paved and guttered on both sides. He stated that the street is under construction presently. In response to a question from Councilmember Cooke, Mr. Frederick indicated that concrete will keep the west side of the street from flaking off but not in front of his own property. Mr. Harris asked Mr. German if he had any knowledge about any differences in the street that existed out there and the street that the City of Austin built. Mr. German indicated that there would be some increased thickness of base material and paving over what was there before. He stated that from the top, the street would not look any different, but that it would be a more structurally sound roadway and will last considerably longer than what was there before. Mr. Harris asked about the differences as to how those streets were constructed. Mr. German stated that the street was built as a County road with base and paving and no curbs or gutters. At a later date, curbs and gutters were added as houses were built in the area. He stated that additional paving was provided between the curb and gutter and the old County road pavement. Mr. Harris asked if this was an assessment project and Mr. German replied that it was probably done by the property owner at that time. Mr. German stated that what was put in there may or may not have been in accordance with City standards.

In closing, Mr. Jones urged the Council to consider prior to making its determination, the statement Mr. German made that the main benefit to the property is the increased beauty from end to end, of having a curbed, paved and guttered street. Mr. Jones submitted that this was a public benefit and not a special benefit for just this property, and the only special benefits for this property are those for which assessments may be levied. Mr. Jones requested that the Council consider the fact that there was no appraisal made of the subject property, no opinion of market value being different before and after, and urged that the City not go forth with the assessment levied against the property since there is no demonstrable enhancement to a property which was already curbed, paved and guttered.

In regard to the Metcalfe Road project, Mr. German indicated that the project spanned from Glen Springs Road to Catalina. He stated that there were 21 properties involved in the project, 18 of which have paid and 3 which are a part of the public hearing. Mr. German stated that Mr. Wiley is the appraiser for the properties and that he has recommended that the assessments be reduced on all three properties. Mr. Wiley stated that this particular project also has a paved road. He pointed out that it is a County paved road which was resurfaced 30 years ago by the County. He stated that the essential gain to most of the property owners was the curbing and guttering which they did not have plus a marginal contribution of the new City street. Mr. Wiley assessed the 7.51 acre tract at \$1,078. For 2700 Metcalfe, a parcel with 136.17' frontage, he assessed at \$1,106. For a 19-foot access easement to a 2.55 acre tract, he assessed at \$127. Mr. Wiley pointed out that the 7.51 acre tract is influenced by the flood plain and topographical conditions, so that the actual frontage is approximately 324 feet, as opposed to some 1600 feet.

MR. IRVING R. SMITH, owner of the 7.51 acre tract of land, told the Council that he was assessed for approximately \$7,000 on Burleson Road before the flood plain and when the flood plain came in, he lost a lot of property there. He felt that \$7,000 was a little too much to handle at this time. City Attorney Harris pointed out to Mr. Smith that he was actually being assessed \$1,078 rather than \$7,000.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alamo Street - Non-Interest Bearing)



Councilmember Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Alamo Street and others)

Councilmember Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY

PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Pecos Street)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, eliminating the assessments on 3201, 3203 and 3214 Pecos and Woodstone Square. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE. (Metcalfe Road)

Councilmember Snell moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately, accepting the enhanced value on three parcels of land along Metcalfe Road. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mayor Pro Tem Mullen, Councilmember Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

#### PARKS NAMED

Mr. Garrison, Chairman, Parks and Recreation Board appeared before Council to discuss the Board's recommendations on naming of "Alamo Park" and "Alamo Recreation Center" and "Southeast District Park." Councilmember Snell had, at last week's meeting, asked for a report on the naming of "Alamo Park," and he said he was happy with the report.

The Council had before it a resolution to consider naming the Park and Recreation Center located in the 2200 block of Alamo Street, "Alamo Park & Alamo Recreation Center," recommended by the Parks and Recreation Board.

Councilmember Snell moved that the Council adopt a resolution to name the park and recreation center located in the 2200 block of Alamo Street "Alamo Park & Alamo Recreation Center." The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau,  
Mayor Pro Tem Mullen, Councilmember Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

Council had before it a resolution to consider naming that area located east of Parker Lane and north of Ben White Boulevard, presently called Southeast District Park, "Mrs. Alden (Mabel) Davis Park." (Recommended by the Parks and Recreation Board) Councilmember Himmelblau pointed out that Mr. Sheffield had told her that her suggestion of calling the park the "Mabel Davis Park" had been accepted. She had been concerned that if the longer names was adopted, it would get shortened to something undesirable.

Mayor Pro Tem Mullen moved that the Council adopt a resolution to name that area located east of Parker Lane and north of Ben White Boulevard, "Mabel Davis Park." The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan

Noes: None

## PARADE PERMITS

Councilmember Trevino moved that the Council approve the request from JAMES B. HODGE for a parade permit for Juneteenth Committee from 12:00 Noon to 1:00 p.m., June 17, 1978, beginning at M.L.K. Boulevard and Comal east to Chicon, Chicon north to Rosewood. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

Councilmember Trevino moved that the Council approve the request for a parade permit from DAN BRAINARD for Northwest Hills July 4th Parade Committee, from 9:30 a.m. to 10:45 p.m., Tuesday, July 4, 1978, beginning at Far West Boulevard and Waterline Road eastward to Northledge Drive. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

Councilmember Trevino moved that the Council approve the request for a parade permit from THERESE E. SMITH, for Capitol City Corvette Club from 6:00 p.m. to 7:00 p.m., Friday, June 2, 1978, beginning at First Street north on Congress to 12th Street, west to Lavaca, north to 19th Street, west to Guadalupe and north to 38th Street. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke  
Noes: None

## ELECTRIC DEPARTMENT REPORT DISCUSSED

MS. DRU THOMPSON, representing Texas Mobilization for Survival, appeared before Council to discuss the City's Electric Department report to Council May 18, 1978. Her contention was that the conclusions in report on pessimistic costs were misleading. Mayor McClellan thanked her for expressing her opinions.

## MOPAC RAMP DESIGN RECOMMENDATIONS

MR. BILL MOORE, Chairman, Urban Transportation Commission, presented a report to Council on their recommendations on the MoPac Ramp Design for the proposed exit ramp in relation to the future of Enfield Road so as to protect the community of Clarksville from through traffic. He said that as a result of public hearings, the City staff, and the State Department of Highways and Public Transportation personnel, submit the following recommendations to the City Council:

1. The width of the exit ramp be limited to between twenty and twenty-eight feet, depending upon safety design consideration in order to provide a one-lane ramp.
2. Curb extensions be constructed along the frontage road (Newfield Lane) at the intersection of Tenth and Eleventh Streets, Waterston Avenue, and Palma Plaza so as to physically restrict northbound right-turn traffic and that buffering and landscaping be provided between the frontage road and the residential areas.

Councilmember Cooke questioned whether or not the safety factors of the narrowed exit ramp were discussed. He specifically referred to the fact that if there were an accident there, emergency vehicles would have to come in from the other direction and he wondered what could be done about getting a vehicle on and off. Mr. Moore said that a 28-foot structure would provide for a 12-foot ramp, which, he said, is standard design. This would leave 16 feet to be allocated into 8-foot shoulders on either side to provide for emergency vehicle access, or in the event of a car or truck breaking down on the ramp, there would be a place for it to pull over out of the traffic lane.

Mr. Davidson said that he believed the recommendation is for the City Council to endorse this proposal so it can be forwarded on to the Austin Transportation Study.

Councilmember Cooke moved that the Council endorse the Urban Transportation Commission's recommendation on the MoPac Ramp Design and forwarded it to the Austin Transportation Study. The motion, seconded by Mayor Pro Tem Mullen, carried by the following vote:

Ayes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Councilmember Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman  
Noes: None

Councilmember Goodman added that this is a topic of much concern in the Clarksville area.

#### "L" LAKE DEVELOPMENT DISTRICTS

Mayor Pro Tem Mullen opened the public hearing scheduled for 2:30 p.m. on an amendment to Chapter 45 of the Austin City Code (Zoning Ordinance) providing that the Parks and Recreation Board will review site plans for developments in "L" Lake Development Districts.

Mr. Harris, City Attorney, stated: "As you recall the City Council did away with the Lake Austin Navigation Board and assigned those duties to the Parks and Recreation Department. In the zoning ordinance it was required that the Lake Austin Navigation Board review permits in the "L" Lake Development District. Since they have been done away with, it was necessary to recommend that the ordinance be amended to assign that function to the Parks and Recreation Board, and this ordinance will do that. It's been through the Planning Commission and it's here for public hearing and passage in the event it is the Council's desire."

No one appeared to speak to this issue.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 OF THE 1967 CODE OF THE CITY OF AUSTIN, DELETING THE REFERENCE TO THE LAKE AUSTIN NAVIGATION BOARD IN SECTION 45-22.5(1) THEREOF; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, providing that the Parks and Recreation Board will review site plans for development in "L" Lake Development Districts. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Mullen, Councilmembers Snell, Trevino, Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau

Noes: None

The Mayor announced that the ordinance had been finally passed.

#### HOUSING AND COMMUNITY DEVELOPMENT PLAN

Council had before it a resolution to consider adopting the Housing and Community Development Plan.

#### Motion

Councilmember Himmelblau made the following motion: "For the HCD fund for the Urban Renewal Agency, \$2,437,500; City Departments: Operations, \$683,600; City Departments: Administration, \$435,100; Special Projects, \$92,500 (includes \$75,000 for removal of architectural barriers and \$17,500 for Clarksville Rent Housing Program); C.I.P. Projects, \$787,000 (includes \$654,000 for the East 6th Street Multipurpose Center which is to be augmented by \$375,000 of bond money which the City has available), and it also includes \$48,000 for bus shelters \$50,000 for Senior Activity Improvements and \$35,000 for the Pan American Recreation Center Improvements; Urban League, \$58,500; Economic Development, \$1,233,400 (with \$200,000 specified for The Family Place and tied to a contingency that A.I.S.D. reduces their rent for the old Palm School Building to \$1.00 per year); Contingency Fund, \$353,100; for a TOTAL of \$6,080,700. For the operating budget for projects, Code Enforcement, \$35,000; for C.I.P. funding, Clarksville Redevelopment, \$535,000; Revenue Sharing Expenditure, \$300,000 for CDD 12 (paving) and the South Austin sidewalks for \$175,000; to impact the revenue sharing for \$475,000. The motion was seconded by Councilmember Cooke.

Councilmember Himmelblau stated she has evaluated the situation in the Clarksville area and found that 33 parcels of land have been sold to various individuals in the last two years, and that is 32% of the total land held in Clarksville other than what the City has. She says she feels this has become a speculative area and wants to see further improvements in that area go to the bond program, plus some recent information given her that morning by the staff shows that the City is ready to let a contract over there for \$331,326.00 of unencumbered funds as early as next week. By adding that in, she said there will be a total of \$1,245,000.00 in improvements in Clarksville.

Mayor McClellan commented on her tying the contingency to The Family Place. She said she agrees with lobbying the School Board and all those involved in The Family Place to do so. "I think the commitment we are making there of \$200,000 is not a large commitment, but I think it can open up a whole lot of doors immediately to make The Family Place become a reality. We put \$120,000 into the Paramount last year and they got a \$600,000 EDA grant on top of that. ..I think this is a small amount to earmark out of the Economic Development Funds and I think to a very good purpose," the Mayor commented.

#### Friendly Amendment

Mayor McClellan offered a friendly amendment that the lobbying of the School Board be deleted. Councilmember Himmelblau accepted her friendly amendment.

Councilmember Trevino said he had a substitute motion which does not include The Family Place. He said he is in agreement with those who feel that to do so would be to begin a precedent which might be regretted later on. Conceivably, he said, any agency could come to the City and request that they provide money to build a place for them. He is also concerned because the Palm School is not City property and the City has not had any input as to which agencies will work out of there. He said that more than a million dollars will be allocated in his proposal and that of Councilmember Himmelblau, toward the multipurpose center on 6th and Comal, which is just a few blocks away from where this facility would be. He said he would not be opposed to Council leaving \$200,000 in contingency so that when other conditions are met, such as money from other sources and a commitment from the School Board, then the City could give them the money at a later date.

Councilmember Trevino said his substitute motion will do two things, "one it will track the recommendations of the Community Development Commission and the sub-committee of the Planning Commission. Too often we ask our citizens to become involved and thoroughly review projects and to recommend to Council. And in my motion we track exactly what they are asking. I feel we need to be responsive as much as possible. At the same time we do not close the door to Economic Development. There is a firm commitment to not only do something about downtown but also the minority business community. It also allows us sufficient time to study the whole matter of Economic Development. ...My motion would allow that once a comprehensive plan is developed, we will have the money to help carry it out." Councilmember Trevino made the following substitute motion:

#### Substitute Motion

Councilmember Trevino made the following substitute motion: Expenditures of HCD monies will be made in the following manner, Urban Renewal Agency, \$2,377,500; Austin Area Urban League, \$58,800; City Departments: Administration, \$435,100; City Departments: Operations, \$300,000; Special Projects, architectural barrier removal, \$75,000 and Clarksville Rent Housing Program \$17,500; C.I.P., Clarksville Redevelopment, \$535,000; CDD 12 Paving (Montopolis), \$300,000; South Austin Sidewalks, \$175,000; Senior Activity Center, \$50,000; Pan American Recreation Center, \$35,000; Low-Interest Commercial Improvement Loans, \$150,000; Economic Development and Revitalization, \$1,000,000; out of Revenue Sharing, \$1,029,000 for East 6th Street Multipurpose Center; \$48,000 for bus shelters and \$100,000 for Economic Development Office Downtown

Feasibility Study and Management Design; out of bond money, C.I.P., Sixth Street Sidewalk Improvements, \$100,000; from the General Funds, Family Outpatient Clinic, \$373,600; Family Planning, \$10,000; Code Enforcement, \$35,000; for a total of \$575,793 in the HCD contingency fund. The motion was seconded by Councilmember Goodman.

Mayor McClellan said that both of the motions are not far apart. There had been some discussion, she said, during the public hearings regarding the Legal Department taking over the legal work for the Urban Renewal Agency. Mr. Harris, City Attorney, told her, "Based on the time we had, Mayor, our basic conclusions were due to the fact that it would take at least a couple of additional staff members and a secretary from my office to take over those duties and based on past experiences, it was not my recommendation for the City to provide that representation.

The Council compared figures and gave their interpretation of how the money should be allotted.

#### RECESS

At 3:25 p.m. the Council took a recess to discuss the budgeting of HCD funds. They returned to the Council Chambers at 4:10 p.m. and took up other agenda items while waiting for copies of their figures to be xeroxed for distribution. At 4:30 p.m. Council resumed discussion of the Housing and Community Development Plan.

When the Council resumed its deliberation on the Housing and Community Development Plan, MR. SCOTT VON OSDOL spoke to the issue. Although this was not a public hearing, he was permitted to speak since there was a misunderstanding about his being on the agenda under Citizen's Communications. Mr. Osdol, representing the River City Tenant's Union, said that the Council's proposals concerning use of HCD money for Economic Development and Revitalization is in conflict with what they have previously approved, and felt that task could be accomplished with the encouragement of citizen participation in revitalization.

Council continued its deliberation on the HCD funds and at one point Ms. Sue Edwards, Acting Director, Public Health Department, was called upon to comment on the proposed public health center in the Clarksville area. After discussion, Council decided they needed to have another recess in order to discuss this facet. The recess was requested by Councilmember Snell.

#### RECESS

Council recessed at 4:45 p.m. and resumed its meeting at 5:00 p.m.

Councilmember Snell expressed his appreciation to Council for allowing him to have time to discuss the proposed public health center.

#### Motion

Councilmember Trevino made the following motion that the HCD monies be allocated as follows: Urban Renewal Agency, \$2,437,500; Austin Area Urban League, \$58,500; City Departments: Administration, \$435,100; City Departments: Operations, \$300,000 for Family Outpatient Clinic, \$10,000 for Family Planning,



and \$35,000 for Code Enforcement; Special Projects, \$75,000 for removal of architectural barriers, \$17,500 for Clarksville Rent Housing Program; C.I.P., \$267,500 for East 6th Street Multipurpose Center, \$267,500 for Clarksville Redevelopment, Montopolis CDD 12 Paving, \$300,000, South Austin Sidewalks, \$175,000, Bus Shelters, \$48,000, Senior Activity Center, \$50,000, Pan American Recreation Center; Economic Development and Revitalization, \$1,200,000; for a TOTAL of \$5,711,600; leaving a contingency of \$373,093; from General Revenue Sharing, \$761,500 for East 6th Street Multipurpose Center; out of Bond issue, \$267,500 for Clarksville Redevelopment, \$100,000 for 6th Street Sidewalk Improvement; and from General Fund, \$373,600 for Family Outpatient Clinic. The motion was seconded by Councilmember Himmelblau.

Friendly Amendment - Not Accepted

Mayor McClellan offered a friendly amendment to allot \$200,000 for The Family Place.

Councilmember Mullen wanted to shift some of the burden off the General Fund, like Family Outpatient Clinic and put it into Community Development Block Grant (CDBG), and lower the contingency fund by \$150,000. He thought it would lessen the impact on the General Fund. Councilmember Trevino said he would not accept this as a friendly amendment.

Second to Motion Withdrawn

Councilmember Himmelblau withdrew her second to the motion.

Second and Motion Restated

Councilmember Trevino's motion was then seconded by Councilmember Goodman, and Councilmember Trevino re-stated the motion by saying, "I move the adoption of this proposal as read."

Mayor McClellan asked, "Without any earmark for The Family Place?" Councilmember Trevino answered yes.

Substitute Motion

Mayor Pro Tem Mullen made a substitute motion to put \$450,000 in the Family Outpatient Clinic decreasing the General Fund to \$233,600, and decrease the Contingency Fund to \$223,093 (from the figures that Councilmember Trevino had in his last motion,) and pegged in \$200,000 from Economic Development money for The Family Place. The motion was seconded by Councilmember Himmelblau.

Roll Call on Substitute Motion - Failed

Roll Call on the Substitute Motion failed to carry by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Mullen, Councilmember Himmelblau  
Noes: Councilmembers Snell, Trevino, Cooke, Goodman

Roll Call on Motion - Failed

Ayes: Councilmembers Snell, Trevino, Goodman

Noes: Councilmember Himmelblau, Mayor Pro Tem Mullen, Mayor  
McClellan, Councilmember CookeMotion

Councilmember Cooke moved that the Council adopt a resolution to allocate HCD funds as follows:

<u>Project</u>	<u>CDBG</u>	<u>GRS</u>	<u>New Bond Issue</u>	<u>General Fund</u>
Urban Renewal Agency	\$2,437,500			
Austin Area Urban League	58,500			
City Departments (Adminis:)	435,100			
City Departments (Operations)				
Family Outpatient Clinic	300,000			373,600
Family Planning	10,000			
Code Enforcement	35,000			
Special Projects				
Arch. Barrier Removal	75,000			
Clarksville Rent Housing	17,500			
CIP				
East 6th Multipurpose Center	267,500	761,500		
Clarksville Redevelopment	267,500		267,500	
CDD 12 Paving (Montopolis)	300,000			
South Austin Sidewalks	175,000			
Bus Shelters	48,000			
Senior Activity Center	50,000			
Pan Am Recreation Center	35,000			
Sixth Street Sidewalk Improve.			100,000	
Economic Development	1,000,000			
Econ. Devel. Family Place	200,000			
SUBTOTAL	\$5,711,600	761,500	367,500	373,600
Contingency	373,093			
TOTAL	\$6,084,693			

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Himmelblau  
Noes: Councilmembers Snell, Trevino, Mayor Pro Tem Mullen

#### ADJOURNMENT

Council adjourned its meeting at 5:30 p.m. (See later)

#### PAVING ASSESSMENT POLICIES

Mr. John German, Director of the Public Works Department, spoke in regard to revisions to the Paving Assessment Policy as requested by the Council. He stated that they looked at the policies of other cities to try to come up with the most beneficial revisions possible. City Manager Dan Davidson asked that the Council approve the new policy in order to improve some of the conditions that have been brought to the attention of both the City Manager and the Council over the past few months.

#### Motion

Councilmember Goodman moved that the Council approve the revisions to the Paving Assessment Policy, as recommended by the City Manager. The motion was seconded by Mayor Pro Tem Mullen.

Councilmember Goodman requested that the Council be kept informed of any future modifications in the Paving Assessment Policy. Mayor McClellan expressed concern over the provision made for the Community Development District. Mr. German pointed out that they were being given additional benefits by receiving a lower assessment rate. He stated that this benefit could amount to as much as \$2 to \$3 per foot depending upon the frontage of the particular property. City Manager Davidson stated, also, that this could be as much as \$200 to \$300 per lot for a lot that is 100 feet in width. Mr. Davidson stated that no one would lose any equity under the new proposals, and that on the whole everyone should gain. Councilmember Goodman felt that the new policy would be a lot more lenient.

#### Roll Call on Motion

Ayes: Mayor McClellan, Councilmembers Cooke, Goodman, Trevino

Noes: None

Abstain: Councilmember Himmelblau

Not in Council Chamber when roll was called: Mayor Pro Tem Mullen,  
Councilmember Snell

#### SUBDIVISION PROCESSING

City Manager Dan Davidson stated that the main purpose behind revamping the subdivision process is to reduce red tape, increase efficiency, decrease costs and to make the City more effective in the enforcement of the Subdivision Ordinance. Deputy City Manager Homer Reed told the Council that the most important recommendation is the creation of a new subdivision processing section within the Planning Department. He stated that the section would be staffed by

personnel who are currently assigned to four departments: (1) Planning Department; (2) Urban Transportation Department; (3) Engineering; (4) Water and Wastewater Department. He stated that each of these departments has played a major part in the processing of subdivisions. Mr. Reed stated that this new section would review subdivisions to assure compliance with the Ordinance requirements. They would also assist landowners in understanding and complying with the ordinance requirements. Mr. Reed pointed out that there are many persons who only process a subdivision once or twice in a lifetime, and that these are the persons who particularly need assistance and who cause the most problems with the present system. Mr. Reed stated that in cases where the subdivision processing staff was unable to handle a particular problem, applicants would be referred to other City Departments that would have the expertise necessary. He stated that there would be one centralized filing system and that all duplicate files would be eliminated except for construction plans necessary in the engineering-related departments, such as Engineering and Water and Wastewater. Mr. Reed stated that this would also result in the Council receiving consolidated recommendations on subdivisions, which would be representative of all relative City departments. Mr. Reed pointed out that the recommendation for a separate subdivision processing section is in response to a rapid increase in subdivision activity over the last few years. He stated that in this fiscal year, they would require an appropriation of \$30,583, and in the next fiscal year \$46,586 for a full year's cost. Mr. Reed stated that there would be factors which would tend to offset the operating costs, but that it would be difficult to make an estimation at this time. Mr. Reed stated that this would be a consumer-oriented service, the underlying philosophy being service to the public.

City Manager Davidson indicated that if the Council favorably considers the recommendation, they could have the program fully implemented within 120 days. Councilmember Goodman stated that he felt the recommendations were excellent and that the formation of a subdivision processing section was long overdue. He stated that the formation of such a section could significantly effect holding down the cost of housing in the Austin area. Councilmember Goodman pointed out that the cost of housing in the Austin area is the third highest in the state. He stated that when they drive up the cost of housing within the City limits through various Council policies, Ordinances and administrative procedures, they not only force many people out of the housing market but also cause an erosion of the tax base, which can have serious implications in the years to come.

#### Motion

Councilmember Goodman made the following motion: "As this Council is not able to assess with the same amount of expertise this document that is before us, I'd like to propose that we form a study team to review the subdivision processing recommendations made today by the City Manager and his staff, and to the extent that engineering functions are also included, that they make recommendations to the Council in that regard. Strictly in reference to procedures and policies that are followed on the administrative level. I think that with the type of expertise that I propose that we'll have on this panel, we'll be able to have a better realization of the scope in cost of the changes that are being recommended by the Manager and we might even get some new ideas and further improvements. So it will mean a 90-day delay, perhaps less in the case of our Airport Committee for example. I think that the inevitable result will be an improved plan which we will then be able to follow. The Committee that I'd like

to recommend, and each person has been selected for various reasons because of expertise..there's utility contractors on here, builders, developers, engineers and consumers. There are fourteen in all, and they are:

Jim Vier  
Jim Mills  
S. A. Garza  
Slim Curington  
Isom H. Hale  
J. C. Evans, Jr.  
Roger Bailey

Bill Milburn  
Dick Rathgeber  
Sue Sanders  
Don Reynolds  
Mark Perlmutter  
Jim Boyle  
Don Walden

They would serve as the members of a 14-person study team, to evaluate this report to make further recommendations to the City Council within that time period."

The motion was seconded by Councilmember Himmelblau, and carried by the following vote:

Ayes: Councilmembers Cooke, Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan  
Noes: None

#### PROPOSED CITY OF AUSTIN LEGISLATIVE PROGRAM

Councilmember Himmelblau stated that the 1979 session of the State Legislature is going to be very important to the City of Austin, and indicated that she wanted the Council to work up various proposals for bills to be presented to the Legislature. She stated that she was interested in a change in the Medicaid procedures and payments. Councilmember Himmelblau stated that she wanted to see some proposals come into the Mayor's office within 30 days and suggested that the City look into hiring a lobbyist who could start working with the various members of the State Legislature this summer. Councilmember Himmelblau indicated that she wanted the City Manager to look into contracting with a lobbyist and bring back a report. Councilmember Trevino suggested establishing a committee to work with the Legislators when they do arrive. Mayor McClellan felt that it would be appropriate to reconstitute a committee after the recommended 30-day period.

#### Motion

Councilmember Himmelblau moved that the Council instruct the City Manager to look into contracting a lobbyist, to bring back a report to the Council, and to hold a Council work session after the 30-day period as to what will be proposed to the Legislature. The motion was seconded by Councilmember Goodman.

Councilmember Goodman felt that Councilmember Himmelblau's recommended early start was in order, and that the City could reap enormous benefits from the State, starting in January. He felt that the Council should initiate a welcome to Legislators when they arrive in town in January, and that in doing this the City could gain more favorable treatment in the future.

Roll Call on Motion

Ayes: Councilmembers Goodman, Himmelblau, Mayor Pro Tem Mullen,  
Councilmembers Snell, Trevino, Mayor McClellan, Councilmember  
Cooke

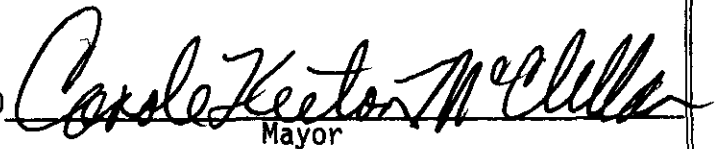
Noes: None

Councilmember Cooke suggested inviting a representative from TML to sit  
in on the work session.

ADJOURNMENT

The Council adjourned its meeting at 5:30 p.m., which was at the conclu-  
sion of adoption of HCD plan, but since that was written to conclusion without  
interim business discussed, those agenda items are added after the HCD plan,  
rather than in the middle of the discussion.

APPROVED

  
Mayor

ATTEST:

  
City Clerk